

**TOWN OF FREDERICK, COLORADO  
ORDINANCE NO. 951**

**AN ORDINANCE APPROVING THE FINAL PLAT OF AVOCET  
SUBDIVISION.**

**WHEREAS**, Luke Stromquist, 1649 Metropolitan Dr., Longmont, CO 80501, has submitted a final plat of those certain lands within the Town of Frederick, Colorado, to be known as Avocet Subdivision, under the authority provided by *Article 4, Subdivision Regulations*, of the *Frederick Land Use Code*; and

**WHEREAS**, the Board of Trustees of the Town of Frederick has found the final plat to be complete and that good and sufficient reason has been shown to be present to justify the platting of the property; and

**WHEREAS**, the Board of Trustees has determined by Resolution No. 08R\_\_\_, duly adopted and approved on the 13<sup>th</sup> day of March, 2008, that the proposed Final Plat of Avocet Subdivision is compatible with the adjacent land uses, that it conforms with the requirements and standards established in *Article 4, Subdivision Regulations*, and the applicable provision pertaining to waivers of the *Frederick Land Use Code*, and that it preserves the health, safety, welfare and interests of the citizens of the Town of Frederick, Colorado. The property is more particularly described below:

**A parcel of land being located in part of the west half of Section 21,  
Township 2 North, Range 68 West of the 6<sup>th</sup> P.M., County of Weld.  
More particularly described in Exhibit A.**

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Trustees of the Town of Frederick, Colorado, that:

**Section 1.** That the property owned by Luke Stromquist, identified as Avocet Subdivision and described in Exhibit A, attached and made a part hereof, is now granted Final Plat approval in accordance with the provisions of *Chapter 17, Subdivisions*, of the *Frederick Municipal Code*.

**Section 2.** The property is platted in accordance with the final plat and the dedications thereon and other documentation pertaining to the plat of said property presented by the Developer and approved by the Frederick Planning Commission and the Frederick Board of Trustees, and the same are incorporated by reference thereto in this Ordinance. The plat shall not affect the Developer's commitments made in the Annexation Agreement and the Memorandum of Agreement for Public Improvements, except as specifically amended herein.

**Section 3.** The following are conditions for approval of the Westview Subdivision.

1. The recorded surface use agreement shall be provided to the Town prior to recording the final plat.

2. Lots 1, 2, and 3 in this development are located within the FEMA designated floodplain (Zone A). A Letter of Map Revision (LOMR or LOMR-F) will be required prior to issuing building permits for these lots. Add a note to this effect on the subdivision plat.
3. Show two septic leach field envelopes on each lot on the plat and dedicate easements to the HOA to prevent future construction of structures over these septic fields.
4. Please provide a septic system maintenance plan, and include language in the HOA CCR's that will make the HOA responsible for implementation and funding of the maintenance plan.
5. Within the HOA documents create a mechanism by which the HOA will participate in the costs of connecting to the St. Vrain Sanitation District sanitary sewer system when the sewer main is to be extended to within 400 feet of any portion of this development. A not to this effect shall be added to the subdivision plat.
6. Add a note to the plat that Avocet Drive and Avocet Lane are private and that maintenance shall be the responsibility of the HOA.
7. Provide a copy of the agreement with the Gooding Dailey and Plumb Ditch Company regarding the Storm Water Discharge into the irrigation ditch prior to recordation of the plat.
8. A note and easement for allowing access to the ditch rider and adjacent farmers shall be placed on the Final Plat allowing for continued agricultural access across the requisite portion of the property for irrigation purposes.
9. An open space and weed management plan shall be submitted for review and approval by Town Staff prior to recordation of the Final Plat. The open space and weed management plan shall be implemented by the HOA to maintain the outlots in a weed free native condition. The HOA documents shall be amended to provide for maintenance of the outlots per the open space and weed management plan.
10. An updated title commitment is provided to the Town prior to recordation of the plat.
11. An MOAPI must be entered into and signed prior to recordation of the plat.

**Section 4. Effective Date.** This ordinance shall become effective thirty (30) days after publication.

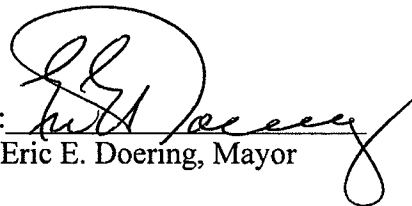
**Section 5. Severability.** If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Town Board hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases are declared invalid.

**Section 6. Repealer.** All ordinances or resolutions and motions of the Board of Trustees of the Town of Frederick or parts thereof, in conflict with this ordinance are to the extent of such conflict hereby superseded and repealed, provided that such repealer

shall not repeal the repealer clauses of such ordinance, resolution or motion, nor revive any ordinance, resolution or motion thereby.

**INTRODUCED, READ, PASSED, ADOPTED AND ORDERED  
PUBLISHED THIS 13<sup>th</sup> DAY OF MARCH 2008.**

TOWN OF FREDERICK

By:   
Eric E. Doering, Mayor

ATTEST:

By:   
Nanette S. Fornof, Town Clerk



**EXHIBIT A**  
**AVOCET FIRST SUBDIVISION DESCRIPTION**

A parcel of land located in Section 21, and the East half of the Northeast quarter of Section 20, Township 2 North, Range 68 West of the 6th P.M., Town of Frederick, County of Weld, State of Colorado, and being more particularly described as follows:

Considering the South line of the Southwest quarter of Section 21, Township 2 North, Range 68 West of the 6th P.M. as bearing North 89°35'33" East with all bearings contained herein relative thereto.

Commencing at the South Quarter corner of said Section 21;  
thence run North 00°11'50" West along the East line of the Southwest quarter of said Section 21 a distance of 406.90 feet to the POINT OF BEGINNING;  
thence run along the centerline of the right-of-way of Weld County Road 18 the following three (3) courses;  
1) North 32°11'50" West a distance of 216.64 feet;  
2) North 32°40'57" West a distance of 274.51 feet;  
3) North 32°33'26" West a distance of 1218.48 feet to the centerline of the right-of-way of Weld County Road 5;  
thence run North 33°00'20" East along said centerline 17.51 feet;  
thence run North 64°35'55" West a distance of 344.93 feet;  
thence run North 63°07'01" West a distance of 132.62 feet;  
thence run North 34°43'27" East a distance of 238.68 feet;  
thence run North 72°59'37" West a distance of 623.50 feet to the approximate centerline of Idaho Creek;  
thence run along said centerline the following eight (8) courses;  
1) North 02°12'09" East a distance of 178.88 feet;  
2) North 01°09'12" East a distance of 57.93 feet;  
3) North 33°15'44" West a distance of 58.12 feet;  
4) North 42°42'16" West a distance of 78.50 feet;  
5) North 58°16'12" West a distance of 134.89 feet;  
6) North 74°24'20" West a distance of 107.34 feet;  
7) North 13°51'36" West a distance of 64.22 feet;  
8) North 02°04'16" West a distance of 568.50 feet;  
thence run South 87°27'52" West a distance of 306.74 feet;  
thence run North 88°11'34" West a distance of 719.83 feet;  
thence run South 72°40'04" West a distance of 190.36 feet;  
thence run North 12°49'05" West a distance of 85.57 feet;  
thence run North 02°19'08" West a distance of 242.40 feet;  
thence run South 89°56'03" West a distance of 622.32 feet to the West line of the Southeast quarter of the Northeast quarter of aforesaid Section 20;  
thence run North 00°00'01" East along said West line a distance of 164.00 feet to the Northeast Sixteenth Corner of said Section 20;

thence run North 89°56'03" East along the North line of said Southeast quarter of the Northeast quarter of Section 20 a distance of 1330.48 feet to the North Sixteenth Corner of said Sections 20 and 21;  
thence run North 89°33'46" East along the North line of the South half of the Northwest quarter of said Section 21 a distance of 2644.93 feet to the Center North Sixteenth Corner of said Section 21;  
thence run North 89°33'15" East along the North line of the South half of the Northeast quarter of said Section 21 a distance of 450.91 feet to the westerly right-of-way line of Weld County Road 5;  
Thence along said westerly right-of-way line the following two (2) courses;  
1) South 32°47'02" West a distance of 249.17 feet;  
2) South 33°10'38" West a distance of 571.04 feet to the West line of said South half of the Northeast quarter;  
thence run South 00°17'33" East along said West line a distance of 645.71 feet to the Center Quarter Corner of said Section 21;  
thence run South 00°11'50" East along the East line of the Southwest quarter of said Section 21 a distance of 1328.06 feet;  
thence continuing South 00°11'50" East a distance of 700.23 feet to the northerly line of a parcel of land described at Book 553 Reception No. 1474774 of the Weld County Records;  
thence along the boundary of said parcel the following three courses;  
1) South 76°28'31" West a distance of 91.90 feet;  
2) South 32°11'50" East a distance of 124.42 feet;  
3) North 82°48'10" East a distance of 23.67 feet;  
thence run South 00°11'50" East along said East line of the Southwest quarter a distance of 97.10 feet to the Point of Beginning.

Containing 122.48 acres, more or less, and subject to all easements and rights-of-way of record.